

II. REMARKS

The Examiner is thanked for extending the courtesy of a telephone interview on June 16, 2005. During this interview, she stated that she was unprepared to discuss the merits of this application at this time. Thus applicant hereby requests another telephone interview at some future time. In the meantime the Examiner is requested to consider the arguments given below.

Claims 1-12 are rejected under 35 USC 103(a) as being unpatentable over the admitted prior art in view of Bhagwat.

The present invention features "...means for packing the capability information into the payload part of the message..." as recited in claims 1, 7 and 12.

The Examiner concedes that the admitted prior art does not disclose this feature (see page 2, section 2 of the last office action). However, the Examiner refers to table 2 and the description from column 9, line 19, to column 10, line 15, of Bhagwat and argues that the cited reference discloses a technology wherein the capability information has been sent in the payload part. However, the referred section of this reference does not include any suggestion of using the payload part but describes payload frame headers according to the invention disclosed in it. The fields disclosed in a frame are necessary for transmitting data frames in the system disclosed in Bhagwat and do not suggest any capability information addition to the actual payload part of the payload frame.

Thus even if the references are combined, the result is not the present invention. In particular, the claimed capability

information in the payload portion would still be missing from the combination.

Hence, the rejection of claims 1-12 should be withdrawn.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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June 17, 2005

Date

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to (703) 872-9306 the date indicated below, addressed to the Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: 6/17/05

Signature: Don W. Perman
Person Making Deposit